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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,917	06/15/2001	Cary Lee Bates	ROC920010074US1	9773

7590

03/30/2006

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,917

Applicant(s)

BATES ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Prosecution Reopened

In view of the Appeal Brief filed on February, 27, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Claims Status

Claims 1-26 are pending. Claims 1-26 are rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, 10-16, 18-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,681,368 issued to Kawabata in view of US Pat No 6,021,416 issued to Dauerer et al.

Claims 1, 10, 18 and 21:

Kawabata discloses:

receiving a response containing the electronic document

automatically designating one of the at least two frames as a default search frame based on a pre-existing specification of the default search frame, wherein the designation is made

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irrespective of a listed order of the frames and rendering the electronic document for display
[Figs 1A, 4, 5, col 5, lines 45-60]

Kawabata discloses the elements of the claimed invention as noted above but does not disclose, wherein the designated default search frame of the displayed electronic document is available to a user for conducting a search of the searchable text contained in the designated default search frame and wherein absent a command from a user to search a different one of the at least two frames, a user request to perform a search is, by default, automatically initiated in the designated default search frame. Dauerer discloses wherein the designated default search frame of the displayed electronic document is available to a user for conducting a search of the searchable text contained in the designated default search frame and wherein absent a command from a user to search a different one of the at least two frames, a user request to perform a search is, by default, automatically initiated in the designated default search frame [col 6, lines 35-40, Fig 1, steps 140, 145]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kawabata to include wherein the designated default search frame of the displayed electronic document is available to a user for conducting a search of the searchable text contained in the designated default search frame and wherein absent a command from a user to search a different one of the at least two frames, a user request to perform a search is, by default, automatically initiated in the designated default search frame as taught by Dauerer such that a programmer can copy and edit a previously created HTML file using a plain text editor or word processor in order to create a duplicate or near-duplicate of an existing web page [Dauerer: col 2, lines 1-8].

Claims 2, 11, 13, 20 and 23:

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The combination of Kawabata and Dauerer discloses the elements of claim 1/10/21 as noted above and furthermore discloses wherein the electronic document is a web page wherein the response is received from the Internet and wherein at least the automatically designating and rendering are performed by a browser [Kawabata: Fig 3, col 1, lines 55-65]

Claims 3 and 19:

The combination of Kawabata and Dauerer discloses the elements of claim 1 as noted above and furthermore discloses wherein automatically designating occurs one of before rendering and after rendering [Kawabata: col 5, lines 53-60]

Claims 4 and 12:

The combination of Kawabata and Dauerer discloses the elements of claim 1/10 as noted above and furthermore discloses wherein automatically designating occurs without an explicit selection of the default search frame by a user [Kawabata: col 3, lines 15-25]

Claims 5, 14 and 22

The combination of Kawabata and Dauerer discloses the elements of claim 1/10 as noted above and furthermore discloses parsing the response to locate a default search frame identifier [Kawabata: col 3, lines 15-25]

Claims 6 and 15:

The combination of Kawabata and Dauerer discloses the elements of claim 1/10 as noted above and furthermore discloses wherein automatically designating comprises selecting from the at least two frames a frame previously selected for a content search, wherein the frame was previously selected during a previous visit to the electronic document [Kawabata: col 3, lines 15-25]

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Claims 7 and 16:

The combination of Kawabata and Dauerer discloses the elements of claim 1 as noted above and furthermore discloses selecting from the at least two frames according to an attribute of the at least two frames [Kawabata: col 5, lines 53-60, text-based window]

Claim 8:

The combination of Kawabata and Dauerer discloses the elements of claim 1 as noted above and furthermore discloses automatically designating comprises one of selecting from the at least two frames a frame containing a greater amount of content and selecting a largest frame from the at least two frames [Fig 1A].

Claim 26:

The combination of Kawabata and Dauerer discloses the elements of claim 1 as noted above and furthermore, discloses receiving a request for a test search to be performed and as a result of the automatic designation, initiating the text search in the default search frame as opposed to any of the other at least two frames [Dauerer: col 6, lines 35-40, Fig 1, steps 140, 145].

Claims 9, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kawabata and Dauerer and further in view of US Pat No 5,388,993 issued to McKiel et al (hereafter McKiel).

Claims 9, 17 and 25:

The combination of Kawabata and Dauerer discloses the elements of claims 1/10/21 as noted above but does not disclose highlighting the default search frame. McKiel discloses

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highlighting the default search frame [col 3, lines 40-45, Fig 1, 25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kawabata and Dauere to include highlighting the default search frame as taught by McKiel for the purpose of indicated an activated frame [col 3, lines 40-45]. The skilled artisan would have been motivated to improve the invention of Kawabata and Dauerer per the above for the purpose of assisting the user to identify a newly created frame [col 5, lines 1-10].

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Kawabata and Dauerer and further in view of US Pat No 6,943,795 issued to Matsui et al (hereafter Matsui).

Claim 24:

The combination of Kawabata and Dauerer discloses the elements of claim 21 as noted above but does not disclose wherein the default search frame code segment is an attribute of a FRAMESET tag. Matsui discloses wherein the default search frame code segment is an attribute of a FRAMESET tag [col 4, lines 57-60]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Kawabata and Dauerer to include wherein the default search frame code segment is an attribute of a FRAMESET tag as taught by Matsui for the purpose of dividing HTML information into child frames [col 4, lines 57-60].

Response to Arguments

Applicant's arguments in Appeal Brief of 2/27/2006 regarding claims 1-26 have been considered and found to be partially persuasive, but are now moot in view above new ground(s) of rejection which are made in order to advance prosecution.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

3/20/2006